

The Intelligencer.

Office 25 & 27 Fourteenth Street.

PUBLISHED BY J. H. CAMPBELL.

TUESDAY, APRIL 30, 1878.

Tex West Virginia Presbytery will meet in Buchanan, Upsher county, next Friday.

A complete and accurate report of the losses in the Pittsburgh riot shows that 1,682 freight cars were destroyed.

The Washington correspondent of the Philadelphia Times writes that the President drinks wine in moderation at other places than the White House.

Colonel Forney says that there are over \$1,000,000 held in the private banks of England, drawing not more than one per cent interest—deposited simply for safety.

There is a bill before the Legislature of Ohio to tax church property. An effort is making to modify it so as to exempt from taxation all houses used exclusively for public worship.

The proposal to tax the larger salaries of Methodist ministers 1 per cent for the ministers who receive small salaries is growing in favor. It was adopted at the recent session of the New-England Conference.

The New York Herald's Paris correspondent says the average expenses per day for a single person visiting the exposition should not exceed \$3.25; for \$5 superior attendance and style should be available. These prices include wine and every extra.

Our Granger friends are not praying very loud for rain just now, but it is pleasing to see by the reports from the interior that their recent surfeit is not yet the occasion of any very extended grumbling. The crops still hold out a glowing promise of prosperity, and if the situation does not grow worse hereafter, we shall have such a harvest as we only dream of once in a lifetime.

A New York commercial paper has been interviewing the merchants of that city about the "commercial travelers" or "bagmen," as it calls them, and finds universal agreement that they have become a permanent necessity. The merchants all protest that they would like to abandon the system, but every one feels that if the remainder of his rivals were to drop the "travelers" he could make a fortune by keeping them.

Besides the "Liberian Exodus Association," which owns the ship Azor, of Charleston, societies for promoting emigration to Africa have been formed in North Carolina, Georgia, Alabama, Mississippi and Florida. The latest report of the American Colonization Society states that nearly 250,000 of the freedmen of the South are disposed to go. The managers of the society express the opinion that "a wisely arranged and moderate and gradually increasing removal would be a good thing for those who go and for those who remain."

The London World whispers (very loud) a word of protest in the ear of English fashion against a new way that Englishwomen of the world are falling into of recognizing a gentleman by giving a peep nod with the head, instead of a slight bow with the head and shoulders. It appears that the Princess of Wales has led the fair subjects of her husband's mother into this slovenly habit, without intending so to do, by a little trick she has of thus recognizing intimate friends whom she has seen once or twice before in the day.

The London Times' Expression of English Opinion.

As the London Times represents the matured opinion of the English people far more faithfully than either the formal proclamations of the ministry or the debates in parliament, the following from a recent editorial deserves careful reading:

"If the arrangements of this treaty promised a quick and easy settlement of the controversies that have long raged round the throne of the sultan, then it might be long before the world would be told unfavorably. But their comes the perilous past to which Russia has brought herself and the civilized world. Not one article of this treaty has the promise of endurance. The annexations, autonomous, independence and occupation are not stand. Every part of the Turkish empire is placed on the slide to roll down into the open lap of Russia. The money will have to be paid in territory, the independence will gravitate to their stronger neighbor, the autonomy will struggle for independence and will be helped thereto in the hope of further change. The arrangements which enable Russia to grasp the neck of the Danube cannot possibly stand longer than circumstances shall compel her neighbors to endure it. As soon as ever the additional hold gained by Russia on the Bosphorus is found injurious to the commerce or the security of the world, war will certainly be, and that no ordinary one, or leading to any lame and impotent conclusion. Here there is nothing but a house of cards. There is hardly the division of Italy. Russia is steady, the rising fabric with delicate touch and iron nerve. She is to occupy, to administer, to guide, to nurse the new independence and autonomy, and to protect them alike from their own willfulness and from intrusive interference. Some such case they will require at first, and they will never cease to require it. If they want Russia at their elbow to-day, they will want her not less fifty years hence. While she acts, she will grow; while they suffer, they will decay."

That these objections have solid foundation in fact cannot be disputed. The San Stefano treaty does place "every part of the Turkish empire on the slide to roll down into the open lap of Russia." It does build "a house of cards" which can only be prevented from falling by the constant vigilance of Russia. It does establish a state of things, at some future day, may bear so heavily upon the interests of other European powers as to provoke a general continental war. And as England has more interests in that quarter than any other European power, she is quite naturally determined in her opposition. But Russia can reply to the Times, as she has already to Lord Salisbury, "What have you to propose instead of the treaty? The Eastern question has been under discussion for more than a hundred years. It has been 'settled' over and over again, and over and over again the settlement has fallen through. Now at the end of a costly war, which I have fought alone, I have made a settlement which suits me and ought to suit you. I am, however, willing to exchange it for a better one whenever a better one is presented. If you have it, offer it. If you have not, why find fault with my plan?" And this is unanswerable logic.

An Action for Libel—Novel Case—Some Points That Were Involved in the Sweeney-Baker Case.

We publish below the syllabus of the decision rendered by Judge Green on Saturday last in the suit of J. H. Johnson vs. W. H. Brown and others from Tyler county. The case was tried before Judge Jackson in November, 1876, and a verdict of \$500 found by the jury for Johnson. From that judgment Brown and his co-defendants appealed. The opinion of Judge Green covers over 125 pages, some twenty pages more than are in his opinion in the Sweeney-Baker case. It was, also, a libel case, and involved some questions decided in the Sweeney-Baker case. It is of interest to the legal profession as laying down the law showing how far stockholders in certain circumstances may be liable in the usual course of judicial procedure may or may not become the foundation of an action of libel or slander. The Court of Appeals reverse the judgment of the Circuit Court of Tyler county.

John A. Hutchison was attorney for Johnson in the Court of Appeals, and Henry Russell and T. J. Hogue were attorneys for Brown and others.

J. H. Johnson, Plaintiff, vs. W. H. Brown and Others, Defts. below, Plaintiffs.

Decided April 27th, 1878.

STILLMAN.

The inducement in a declaration in libel suit is that the plaintiff has been injured by the publication of a certain statement. The libelous writing was alleged to be as follows: "The plaintiff was through his own and his brother's influence placed and retained in the general management of said corporation during the years 1871, 1872, and 1873 for their own private and individual gain and not the corporation; that especially during the year 1873 the plaintiff in the libel suit did use and employ the goods, means, and credit of the said corporation for his own and his brother's private use, business, and benefit; that he took the goods and money of the said corporation to pay his own employees; that he borrowed money and used it in his own business and gave said corporation's notes therefor; that he and his wife purchased goods, wares, and merchandise of divers persons at various times during the years 1871 and 1872 and especially during the year 1873 for their own and friends' use and had them charged to the corporation." These being set forth in the declaration the innuendo, "thereby meaning that the plaintiff had embezzled the goods and money of said corporation." These allegations without any innuendo would be libelous in themselves, and the innuendo improperly extended the meaning of the words, and if the publication of these words had been all that was complained of the declaration is a general demurrer. The declaration ought to have been sustained.

But if such a declaration alleged the publication of the writing in these words, the said plaintiff in the slander suit and others have been and are conspiring to defraud the other stockholders in said corporation, to divert the means, money and credit of the corporation to their own individual use and ends, and against the interest and welfare of the other stockholders in the said corporation, and the innuendo is "thereby meaning that the plaintiff while acting as the general superintendent and agent of said corporation, defrauded the said corporation and conspired with other persons to defraud and cheat said corporation." This language without any innuendo would be libelous, and the innuendo did not extend the meaning of the words. And as the allegation in its nature distinct and divisible from the others the defendants could not properly demur to the whole declaration, and such a demurrer ought to be overruled.

The libelous matter stated above being contained in a bill in chancery, filed under the 57th section of ch. 53 of the Code of West Virginia, and the bill having alleged that the party who was plaintiff in the libel suit had been elected general superintendent by himself and brother, who held a majority in interest in the stock of said corporation, and that they still voted such stock and asking a decree of the court dissolving said corporation, the said allegations were pertinent to the case sought to be made by the bill and the innuendo, and no libel suit could be instituted based on them—being absolutely privileged publications.

Libelous matters published only in the due course of legal proceedings cannot be the basis of a libel suit, published in the course of which they were published had jurisdiction of the cause, and they were pertinent to the suit, even if they be libelous reflections on the character of persons not parties to the suit, if the suit was not resorted to merely for the purpose of conveying the scandal, and as a cover for the malice of the party; and in good faith for the assertion of a right or the redress of a wrong. If the suit was resorted to for such purposes and with such wrongful motives the court does not decide whether such pertinent allegations would or would not be regarded as absolutely privileged publications exempting the party from liability to a libel suit, this question not arising in this suit.

If a declaration on its face shows that the libelous matters complained of were published in the due course of legal proceedings it will be held fatal to the general demurrer unless it further shows that the libelous matters complained of are not absolutely privileged publications under the general rule that such publications are so privileged, by alleging facts that bring it within some exceptions to this general rule, such as that the court had no jurisdiction, or that the libelous matter alleged was not pertinent to such judicial proceeding.

If the declaration alleges facts showing that the libelous allegations were within some exceptions to the general rule, a plea denying that it comes within such exceptions named in the declaration by alleging that the court had jurisdiction, or that the libelous allegations were pertinent to the case to which the case may be a good plea in bar, though it does not deny express malice.

A plea that the libelous matters complained of were only published in the proceedings in the case instituted according to the regular course of judicial procedure, to the case to which the case may be a good plea for believing and did actually believe that they were pertinent to the cause is a good plea in bar and such plea need not deny express malice. But if there is no allegation in a plea that the libelous allegations were within some exceptions to the general rule of law which ought to be decided by a court, and not a question of fact to be submitted to the jury.

All the above defenses to an action of libel may be proved under the general issue. And upon the trial of such issue if it appears that the libelous allegations were published in the due course of legal proceedings thought to be proved that the court had no jurisdiction, or that the libelous allegations were not pertinent to the case to which the case may be a good plea for believing and did actually believe that they were pertinent to the cause is a good plea in bar, though it does not deny express malice. But if there is no allegation in a plea that the libelous allegations were within some exceptions to the general rule of law which ought to be decided by a court, and not a question of fact to be submitted to the jury.

A plea in bar that the libelous matter was published only in a pleading in the regular course of judicial procedure and was pertinent thereto should conclude with a verification by the record as it proposes for decision a question of law and not one of fact.

ANCIENT CASTLES.

What appeals to the imaginative and reflective powers of man more than the ruins of some ancient ivy-covered and forsaken castle? Poets have invited the muses to help them weave into their legends the history and bravery that history records to their former owners and occupants. Painters have vied with each other in portraying the grandeur of the past, and the decay that is not the premature and social wreck of thousands of young people annually, a theme that should appeal much more keenly to the reflective faculties of man? Dr. V. Y. Pierce, of Buffalo, N. Y., prescribes his Golden Medical Discovery in such affections with the most gratifying results. No known remedy equals or compares with it in purifying and enriching the blood, strengthening and invigorating the nervous system. If the bowels be constipated, use his Pleasant Purgative Pellets. In the more complicated cases, Dr. Pierce may be consulted by letter, and will generally be able to prescribe medicines especially prepared for each individual case that will speedily restore nervous vigor and perfect health.

The following parties, among thousands of others, have either been cured by the use of Dr. Pierce's Medicines or have observed their wonderful curative properties on friends:

J. R. Seitz, Cairo, Ky.; Mrs. A. M. Williams, Claverack, N. Y.; C. T. Hobbs, Randolph, Pa.; T. B. Canfield, Chatham Four Corners, N. Y.; Albert C. Boston, Washington, Ohio; Mrs. E. B. Day, Metropolis, Ill.; John B. Lederman, P. Kils, Ill.; E. A. Johnson, Buffalo, N. Y.; A. McClure, Albany, N. Y.; L. W. Griswold, Brackville, N. J.; W. C. Bayer, Vermillion, Ill. For further particulars see "The People's Common Sense Medical Adviser," an illustrated work of over 900 pages, sold, post-paid, for \$1.50. Address the author, Dr. V. Y. Pierce, M. D., Buffalo, N. Y.

TRAVELLERS' GUIDE.

DEPARTURE OF TRAINS.	A. M.	P. M.
R. & O. R. R.	8:00	10:30
Cent. O. Div.	8:00	10:30
W. & A. B. Div.	8:00	10:30
Clav. & Pitta.	8:00	10:30
P. C. & St. L.	8:00	10:30

ARRIVAL OF TRAINS.	A. M.	P. M.
R. & O. R. R.	8:00	10:30
Cent. O. Div.	8:00	10:30
W. & A. B. Div.	8:00	10:30
Clav. & Pitta.	8:00	10:30
P. C. & St. L.	8:00	10:30

SPECIAL NOTICES.

A CARD.

To all who are suffering from the errors and indiscretions of youth, nervous weakness, early decay, loss of manhood, &c., I will send you a receipt that will cure you, FREE OF CHARGE. This great remedy was discovered by a missionary in South America. Send a self-addressed envelope to the REV. JOSEPH T. INMAN, Station D, Bible House, New York City.

HATS & CAPS.

JUST RECEIVED—

Having leased the beautiful Picnic Grounds of A. T. Garden, near Glen's Run, on the P. & W. R. R., four miles north of the city, on which we have had all the necessary improvements made to insure them to be the most complete grounds for Picnics within twenty miles of the city, I hereby offer the grounds, to parties desiring to rent, very low. The grounds are immediately adjoining the railroad. A single sheltering is provided for in case of rain. The platform is 32x50 feet. Call and see me at my place of business, No. 1147 Market Street, Wheeling, W. Va. (Centennial Edition).

JOSEPH GREEN, Agent.

WANTED—EVERYBODY TO KNOW

JAS. H. SAGE

Is Agent for the Celebrated DOMESTIC SEWING MACHINE.

Also for the White and New Home Sewing Machines. Mr. Sage is a practical Mechanic, who has done the repairs for the Domestic Machine Company in this city for several years past, and is now conducting a repair shop for himself at No. 1147 Market Street. Send in your Machines.

NOTICE.

WE, the undersigned, cordially commend the bearer, W. R. M. Denny, Consulting Agent of the Wheeling and Ohio County Auxiliary Bible Society, to the confidence and cooperation of the citizens of Wheeling in soliciting funds, in selling Bibles at cost, and in supplying the poor by donation. Most could do something for the circulation of the Bible in our city and county, and on this subject of Christian benevolence stands higher than life. All funds paid to him will be deposited with Rev. DAVID A. CUNNINGHAM, REV. R. M. HARRIS, REV. G. C. WILSON, Committee on Canvassing.

WIER, REYNOLDS & HICKMAN, MARBLE WORKERS,

AND DEALERS IN

American and Scotch Granite,

No. 1506 Market Street, 2nd door above the Postoffice.

Monuments, Tablets and Furniture Work on Hand and Made to Order. Hearth Stones Constantly on Hand.

ANCHOR BRAND PICKLES.

Chow Chow.

Mixed Pickles, Mustard, Catsups, Sauces, &c.,

By the Barrel, Keg or Gallon, at

FLACCUS BROS',

Wholesale and Retail

Fancy Grocers,

And Dealers in Foreign and Domestic

Fruits, Nuts, &c.,

Cor. Market and 23d Sts.,

WHEELING, W. VA.

HOME AGAIN!

The subscriber has removed his

Jewelry Store

TO THE

New Washington Hall Building,

(The same location from which he was driven by the burning of the city in 1875) and now offers his patrons and the public generally a

Larger, Finer and Cheaper Assortment of Goods than Ever before.

A cordial invitation is extended to every one who wishes to purchase jewelry, to call and examine his very attractive and well-selected stock.

C. P. BROWN,

31 TWELFTH STREET.

ARTISTS' MATERIALS.

CANVASES, STRATHES, COLORS, BRUSHES, OILS, VARNISHES, &c.,

And everything else in the line. Fresh stock—Prices low.

E. L. NICOLL, 1147 Market Street.

WANTED TO RENT—A Cottage and one or two rooms of good kind, near 12th and 13th Streets.

K. HAYLEY, 1147 Market Street.

DRESSED BEEF—Cured and unseasoned, for sale by

D. C. LEST, Jr.

NEW ADVERTISEMENTS.

STOLEN BONDS.—The following Martin's Ferry School Bonds were stolen from the undersigned, on or about the 1st day of January, 1878: No. 1, \$500 due 1884; No. 2, \$500 due 1885; No. 3, \$500 due 1886; No. 4, \$500 due 1887; No. 5, \$500 due 1888; No. 6, \$500 due 1889; No. 7, \$500 due 1890; No. 8, \$500 due 1891; No. 9, \$500 due 1892; No. 10, \$500 due 1893; No. 11, \$500 due 1894; No. 12, \$500 due 1895; No. 13, \$500 due 1896; No. 14, \$500 due 1897; No. 15, \$500 due 1898; No. 16, \$500 due 1899; No. 17, \$500 due 1900; No. 18, \$500 due 1901; No. 19, \$500 due 1902; No. 20, \$500 due 1903; No. 21, \$500 due 1904; No. 22, \$500 due 1905; No. 23, \$500 due 1906; No. 24, \$500 due 1907; No. 25, \$500 due 1908; No. 26, \$500 due 1909; No. 27, \$500 due 1910; No. 28, \$500 due 1911; No. 29, \$500 due 1912; No. 30, \$500 due 1913; No. 31, \$500 due 1914; No. 32, \$500 due 1915; No. 33, \$500 due 1916; No. 34, \$500 due 1917; No. 35, \$500 due 1918; No. 36, \$500 due 1919; No. 37, \$500 due 1920; No. 38, \$500 due 1921; No. 39, \$500 due 1922; No. 40, \$500 due 1923; No. 41, \$500 due 1924; No. 42, \$500 due 1925; No. 43, \$500 due 1926; No. 44, \$500 due 1927; No. 45, \$500 due 1928; No. 46, \$500 due 1929; No. 47, \$500 due 1930; No. 48, \$500 due 1931; No. 49, \$500 due 1932; No. 50, \$500 due 1933; No. 51, \$500 due 1934; No. 52, \$500 due 1935; No. 53, \$500 due 1936; No. 54, \$500 due 1937; No. 55, \$500 due 1938; No. 56, \$500 due 1939; No. 57, \$500 due 1940; No. 58, \$500 due 1941; No. 59, \$500 due 1942; No. 60, \$500 due 1943; No. 61, \$500 due 1944; No. 62, \$500 due 1945; No. 63, \$500 due 1946; No. 64, \$500 due 1947; No. 65, \$500 due 1948; No. 66, \$500 due 1949; No. 67, \$500 due 1950; No. 68, \$500 due 1951; No. 69, \$500 due 1952; No. 70, \$500 due 1953; No. 71, \$500 due 1954; No. 72, \$500 due 1955; No. 73, \$500 due 1956; No. 74, \$500 due 1957; No. 75, \$500 due 1958; No. 76, \$500 due 1959; No. 77, \$500 due 1960; No. 78, \$500 due 1961; No. 79, \$500 due 1962; No. 80, \$500 due 1963; No. 81, \$500 due 1964; No. 82, \$500 due 1965; No. 83, \$500 due 1966; No. 84, \$500 due 1967; No. 85, \$500 due 1968; No. 86, \$500 due 1969; No. 87, \$500 due 1970; No. 88, \$500 due 1971; No. 89, \$500 due 1972; No. 90, \$500 due 1973; No. 91, \$500 due 1974; No. 92, \$500 due 1975; No. 93, \$500 due 1976; No. 94, \$500 due 1977; No. 95, \$500 due 1978; No. 96, \$500 due 1979; No. 97, \$500 due 1980; No. 98, \$500 due 1981; No. 99, \$500 due 1982; No. 100, \$500 due 1983; No. 101, \$500 due 1984; No. 102, \$500 due 1985; No. 103, \$500 due 1986; No. 104, \$500 due 1987; No. 105, \$500 due 1988; No. 106, \$500 due 1989; No. 107, \$500 due 1990; No. 108, \$500 due 1991; No. 109, \$500 due 1992; No. 110, \$500 due 1993; No. 111, \$500 due 1994; No. 112, \$500 due 1995; No. 113, \$500 due 1996; No. 114, \$500 due 1997; No. 115, \$500 due 1998; No. 116, \$500 due 1999; No. 117, \$500 due 2000; No. 118, \$500 due 2001; No. 119, \$500 due 2002; No. 120, \$500 due 2003; 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